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10 THE HONORABLE RICHARD A. JONES
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17 UNITED STATES DISTRICT COURT
18 WESTERN DISTRICT OF WASHINGTON
19 AT SEATTLE

20 ROBERT ERICKSON, individually and on
21 behalf of all others similarly situated,

22 Plaintiff,

23 v.

24 A PLACE FOR MOM, INC., a Delaware
25 corporation,

26 Defendant.

27 No. C16-0742 RAJ

28 STIPULATION AND ORDER FOR
29 DISMISSAL OF PLAINTIFF ROBERT
30 ERICKSON'S CLAIMS AND
31 DEFENDANT A PLACE FOR MOM,
32 INC.'S COUNTERCLAIM PURSUANT TO
33 FRCR 41(a)(1)(ii)

34
35 **RELIEF REQUESTED**

36 The parties to this action hereby stipulate to Plaintiff Robert Erickson's dismissal of
37 his claims against Defendant A Place for Mom, Inc. ("APFM") with prejudice, the claims of
38 any putative class members without prejudice, and dismissal of Defendant's counterclaim
39 against Plaintiff without prejudice pursuant to FRCP 41(a)(1)(ii).
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STIPULATION & ORDER FOR DISMISSAL
PURSUANT TO FRCR 41(a)(1)(ii) – 1
Case No. C16-0742 RAJ
132375084.1

Perkins Coie LLP
1201 Third Avenue, Suite 4900
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Phone: 206.359.8000
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STATEMENT OF FACTS

Robert Erickson is presently the only named plaintiff in this putative class action based on the Telephone Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”). No class has been certified in this action. APFM has made a counterclaim for declaratory relief against Erickson. The parties to this action hereby stipulate to the voluntary dismissal of Plaintiff’s TCPA claims against Defendant and to Defendant’s counterclaim against Plaintiff.

AUTHORITY

This motion is made pursuant to Fed. R. Civ. P. 41(a)(1)(ii) & (c), which provide that an action may be dismissed without a court order “by filing a stipulation of dismissal signed by all parties who have appeared.”

Additionally, a Fed. R. Civ. P. 41 dismissal may be subject to the provisions of Fed. R. Civ. P. 23(e) regarding voluntary dismissal or settlement where a class has been certified. However, because no class has been certified in this action, the provisions of Fed. R. Civ. P. 23(e) do not apply.

CONCLUSION

WHEREFORE, Plaintiff Robert Erickson and Defendant APFM hereby voluntarily dismiss the claims and counterclaims pursuant to Fed. R. Civ. P. 41(a)(1)(ii).

DATED this 15th day of August, 2016.

**STIPULATION & ORDER FOR DISMISSAL
PURSUANT TO FRCR 41(a)(1)(ii) – 2**
Case No. C16-0742 RAJ
132375084.1

1 STIPULATED and AGREED to by all parties to this action.
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8 FOR PLAINTIFF
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s/ Clifford A. Cantor, WSBA #17893

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 ATTORNEYS FOR PLAINTIFF AND THE
 CLASS

**Pro hac vice* application to be filed

FOR DEFENDANT

s/ James F. Williams, WSBA #23613

James F. Williams, WSBA #23613
 Nicola C. Menaldo, WSBA #44459
 James G. Snell, *admitted pro hac vice*

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Attorneys for Defendant
 A PLACE FOR MOM, INC

STIPULATION & ORDER FOR DISMISSAL
 PURSUANT TO FRCR 41(a)(1)(ii) – 3
 Case No. C16-0742 RAJ
 132375084.1

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1 PURSUANT TO THE FOREGOING,
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3 IT IS SO ORDERED.
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5 DATED: _____
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9 Honorable Richard A. Jones
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STIPULATION & ORDER FOR DISMISSAL
PURSUANT TO FRCR 41(a)(1)(ii) – 4
Case No. C16-0742 RAJ
132375084.1

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CERTIFICATE OF SERVICE

CAROL KNESS states as follows:

1. I am a litigation secretary at the law firm of Perkins Coie LLP, have personal knowledge of the facts set forth herein and am competent to testify thereto.

2. I certify that on the 15th day of August, 2016, I made arrangements to file the foregoing STIPULATION AND ORDER FOR DISMISSAL OF PLAINTIFF ROBERT ERICKSON'S CLAIMS AND DEFENDANT A PLACE FOR MOM, INC.'S COUNTERCLAIM PURSUANT TO FRCR 41(a)(1)(ii) with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

ATTORNEYS FOR PLAINTIFF AND THE CLASS

Cliff Cantor, WSBA #17893
Law Offices of Clifford A. Cantor, P.C.
627 – 208th Ave., SE
Sammamish, WA 98074
Telephone: 425.868.7813
cliff.cantor@outlook.com

3. On the same day, I made arrangements to deliver the same to counsel of record via email and/or U.S. Mail:

ATTORNEYS FOR PLAINTIFF AND THE CLASS

Steven L. Woodrow (*pro hac vice* application to be filed)
Patrick H. Peluso (*pro hac vice* application to be filed)
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**STIPULATION & ORDER FOR DISMISSAL
PURSUANT TO FRCR 41(a)(1)(ii) – 6
Case No. C16-0742 RAJ
132375084.1**

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1 I CERTIFY UNDER PENALTY OF PERJURY under the laws of the United States
2 of America that the foregoing is true and correct.
3

4 DATED this 15th day of August, 2016.
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7 By: s/Carol Kness
8 Carol Kness, Litigation Secretary
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STIPULATION & ORDER FOR DISMISSAL
PURSUANT TO FRCR 41(a)(1)(ii) – 7
Case No. C16-0742 RAJ
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